

FORM TO BE USED BY A PERSON FILING A PETITION FOR
WRIT OF HABEAS CORPUS UNDER 28 U.S.C. §2254

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MAY 04 2009

CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

RANDY ANTHONY WEAVER

07/26/1964, INMATE ID # 26586

WASHINGTON COUNTY DETENTION CENTER

500 WESTERN MARYLAND PARKING, HAGERSTOWN, MD 21740

(Full name, date of birth, identification
number and address of the petitioner)

v.

Civil Action No. DKC-09-1169
(Leave blank. To be filled in by Court.)

M. VAN EVANS

(Name of the Warden or other person having
custody of the petitioner)
and

THE ATTORNEY GENERAL OF THE STATE
OF MARYLAND

PETITION FOR WRIT OF HABEAS CORPUS

1. Name and location of the court which entered the judgment/conviction being challenged.

CIRCUIT COURT 24 SUMMIT AVENUE HAGERSTOWN, MD 21741

2. Date of judgment or sentencing.

APRIL 14, 2009

3. Length of sentence.

90 DAYS

4. Nature of offense (all counts).

PETTY THEFT UNDER \$100.00

5. What was your plea? (check one)

- | | | |
|-----|---|-------------------------------------|
| (a) | Not Guilty | <input checked="" type="checkbox"/> |
| (b) | Not Guilty on Agreed Statement of Facts | <input type="checkbox"/> |
| (b) | Guilty | <input type="checkbox"/> |
| (c) | Nolo Contendere | <input type="checkbox"/> |
| (d) | Alford Plea | <input type="checkbox"/> |

If you entered different pleas to different counts or charges, explain.

N/A

6. Kind of trial. (check one)

- | | | |
|-----|------------|-------------------------------------|
| (a) | Jury | <input type="checkbox"/> |
| (b) | Judge Only | <input checked="" type="checkbox"/> |

7. Did you testify at the trial?

Yes ☐ No ☒

8. Did you appeal or seek leave to appeal to the Maryland Court of Special Appeals?

Yes ☐ No ☒

If you answered yes, provide the following information:

- A. What grounds did you raise?

N/A

B. What was the result?

N/A

C. What was the date of the decision by the Court of Special Appeals?

N/A

9. Did you file a petition for writ of certiorari to the Maryland Court of Appeals?

Yes []

No [☒]

If you answered yes, what was the result?

N/A

If you answered yes, what was the date of the decision by the Court of Appeals?

N/A

10. Did you file a petition for writ of certiorari to the United States Supreme Court?

Yes []

No [☒]

If you answered yes, what was the result?

N/A

If you answered yes, what was the date of the decision by the Supreme Court?

N/A

11. Have you filed any post conviction petitions challenging this judgment/sentence?

Yes [☒]

No []

If you answered yes, provide the following information for **each** post conviction petition:

A. Name and location of the court where you filed.

CIRCUIT COURT - 24 SUMMIT AVE HAGERSTOWN MD. 21741

- B. Date the post conviction petition was filed.

APRIL 15TH 2009

- C. What grounds did you raise? COURT MUST GIVE ME TIME SERVED.

THAT COURT RECORDS SHOW I HAD ALREADY

DID (130) DAYS WHICH EXCEEDED THE

STATUTORY MAXIMUM OF 90 DAYS IMPOSED BY COURT

- D. What was the result?

- E. What was the date of the decision?

- F. Did you file an application for leave to appeal to the Court of Special Appeals?

Yes [] No []

- G. What was the result?

- H. What was the date of the decision by the Court of Special Appeals?

- I. If the Court of Special Appeals granted your application for leave to appeal but affirmed a decision denying post conviction relief, did you file a petition for writ of certiorari to the Court of Appeals?

Yes [] No []

- J. What was the result?

K. What was the date of the decision by the Court of Appeals?

12. Have you filed any other actions in any state or federal court challenging the judgment which is the subject of this petition?

Yes [☒]

No [☐]

If you answered yes, provide an explanation of what you filed, where, when, and what the result was.

I SENT A HAND-WRITTEN MOTION ASKING THIS COURT
TO INTERVIEW CLAIMING I'M BEING HELD ILLEGALLY.

I MAILED IT ON APRIL 28TH 2009 AND SERVED WARDEN WITH COPY

13. Do you CURRENTLY HAVE PENDING in any state or federal court any motion, petition, or appeal concerning the judgment being challenged in this petition?

Yes [☒]

No [☐]

If you answered yes, describe what you filed, when, where, and its current status.

SEE NUMBER #12 ANSWER ABOVE - I FILED A
MOTION WITH THIS VERY COURT.

14. In most cases federal law requires that a habeas corpus petition be filed within one (1) year of the date your conviction became final. The time when a post conviction petition is pending or on appeal does NOT count towards the one year. 28 U.S.C. § 2244(d). If this petition is being filed more than one year after your conviction became final, explain why it is late and/or why you believe the one year limitations period does not apply.

N/A

15. State BRIEFLY every ground on which you claim you are being held unlawfully. BRIEFLY summarize the facts supporting each ground. If necessary, you may attach additional pages.

A. Ground One: ALREADY SERVED TIME (CREDIT FOR TIME SERVED)

Supporting Facts: COURT RECORDS SHOW I WAS HELD
IN CUSTODY FROM MAY 25, 2008 TILL OCTOBER 2, 2008
ON THIS CHARGE. THEREFORE, LONGER THAN THE
90 day SENTENCE IMPOSED BY COURT

B. Ground Two: _____

Supporting Facts: _____

C. Ground Three: _____

Supporting Facts: _____

D. Ground Four: _____

Supporting Facts: _____

16. If any of the issues that you are raising in this petition have not been presented to a state court, explain which issues are being raised for the first time and why.

n/a

17. Do you have any other sentence(s) to be served after you complete the sentence(s)/commitment that is being challenged in this petition?

Yes []

No [✓]

If you answered yes, provide the following information about each of your future sentences:

A. Name and location of the court that imposed the sentence.

n/a

B. Length of the sentence.

n/a

C. Have you filed, or do you intend to file, a petition attacking this sentence?

Yes []

No [✓]

WHEREFORE, Petitioner prays that the Court grant him all relief to which he may be entitled in this action.

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION ABOVE IS TRUE AND CORRECT.

SIGNED THIS 1st day of MAY, 2009

[Signature]
(original signature of petitioner)

WASHINGTON COUNTY DETENTION CENTER

500 WESTERN MARYLAND PARKWAY

HAGERSTOWN, MARYLAND 21740
(address of petitioner)